

MG-



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/158,076	09/22/1998	JUN ASADA	1046.1192/JD	3503

7590 03/15/2002

STAAS AND HALSEY
700 ELEVENTH STREET NW
SUITE 500
WASHINGTON, DC 20001

EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

64

Office Action Summary

Application No.

09/158,076

Applicant(s)

ASADA, JUN

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,2, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,282,714-B1 to Ghori.

Regarding claim 1, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation via Digital PCS (column 7, lines 7-32, column 9, lines 4-23), and a channel selection unit (column 7, lines 28-33), which utilizes frequency hopping to tune to an open channel at a specific time for the transfer of data. The computer 415 inherently contains a storage device for storing files that

were downloaded or were created locally as a storage device is required for the playback and exchange of data in the system as disclosed by Ghori.

Regarding claim 2, Ghori discloses a wireless computer network in which data exchanged between two devices is encrypted prior to transmission (column 9, lines 3-6).

Regarding claim 6, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna and a monitor (column 6, lines 34-45) that displays the received information, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-50, column 9, lines 4-23), , and a channel selection unit (column 7, lines 28-33), which utilizes frequency hopping to tune to an open channel at a specific time for the transfer of data. The computer 415 inherently contains a storage device for storing files that were downloaded or were created locally as a storage device is required for the playback and exchange of data in the system as disclosed by Ghori.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,282,714-B1 to Ghori in view of U.S. Patent 5,732,074 to Spaur.

Regarding claim 3, Ghori discloses a wireless computer network that can be connected to the Internet (column 6, lines 7-14). Ghori does not disclose the exchange of HTML data between computers within the network. Spaur discloses a wireless network in Figure 2 that consists of a web server 102 with a TCP/IP stack 98 and a number of vehicles 50n (column 6, lines 1-16, column 3, lines 13-24), and utilizes HTML as a common file format. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Ghori to include the web server of Spaur to provide web pages to a remote vehicle via a wireless link so that the status of a vehicle at any time can be determined remotely and so that new instructions can be provided to a driver.

Regarding claim 4, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna and a monitor (column 6, lines 34-45) that displays the received information, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-32, column 9, lines 4-23). The computer 415 inherently contains a storage device for storing files that were downloaded or were created locally as a storage device is required for the playback and exchange of data in the system as disclosed by Ghori. Ghori does not disclose the use of an identifier and mail-editing unit that sends a return message to a

Art Unit: 2611

device based upon that identifier. Spaur discloses a wireless network in Figure 2 that consists of a web server 102 with a TCP/IP stack 98 and a number of vehicles 50n (column 6, lines 1-16, column 3, lines 13-24), each vehicle has a unique IP address assigned to it which is used to identify it for the transfer of information (column 11, 27-39). The examiner takes official notice that the use of messaging programs for sending and receiving messages that are directed to a certain user's IP address are well known within the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ghori to include the IP Addressing system as taught by Spaur to the mobile computer so that each device would have a unique identifier in order to protect the privacy of users on a network by only sending a message to its intended recipient.

Regarding claim 5, Ghori discloses a wireless computer network that makes use of encryption when sending messages between devices, data which is transmitted can only be decoded by a device which has access to the appropriate decode key (column 7, lines 20-50).

Regarding claim 7, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-32, column 9, lines 4-23). Ghori does not disclose the use of an email-editing unit for creating a return mail to a broadcast device. The examiner takes official notice that the

Art Unit: 2611

use of a computer to create, edit and send emails is well known within the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ghori to include an email program on the computers within the wireless network for emailing messages to the central server, so that the wireless users can inform the server operator of any problems they are having while utilizing the network.

Regarding claim 8, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-32, column 9, lines 4-23). Ghori does not disclose the use of an identifier and mail-editing unit that sends a return message to a device based upon that identifier. Spaur discloses a wireless network in Figure 2 that consists of a web server 102 with a TCP/IP stack 98 and a number of vehicles 50n (column 6, lines 1-16, column 3, lines 13-24), each vehicle has a unique IP address assigned to it which is used to identify it for the transfer of information (column 11, 27-39). The examiner takes official notice that the use of messaging programs for sending and receiving messages that are directed to a certain user's IP address are well known within the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ghori to include the IP Addressing system as taught by Spaur to the mobile computer so that each device would have a unique identifier in order to protect the privacy of users on a network by only sending a message to its intended recipient.

Regarding claim 9, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna and a monitor (column 6, lines 34-45) that displays the received information, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data sent via radio waves (column 7, lines 7-50, column 9, lines 4-23). The computer 415 inherently contains a storage device for storing files that were downloaded or were created locally as a storage device is required for the playback and exchange of data in the system as disclosed by Ghori. Ghori does not disclose the use of the HTML language as the file format for the files exchanged between computers on the network. Spaur discloses a wireless network in Figure 2 that consists of a web server 102 with a TCP/IP stack 98 and a number of vehicles 50n (column 6, lines 1-16, column 3, lines 13-24), and utilizes HTML as a common file format. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Ghori to include the web server of Spaur to provide web pages to a remote vehicle via a wireless link so that the status of a vehicle at any time can be determined remotely and so that new instructions can be provided to a driver.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,956,716 to Kenner: System and Method for Delivery of Video Data Over a Computer Network.


U.S. Patent 6,215,413 to Gaskill: User Selectable Receiver Addresses for
Wireless Communication Systems.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-
305-3234. The examiner can normally be reached on Monday-Friday during normal
business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for
the organization where this application or proceeding is assigned are 703-308-5359 for
regular communications and 703-372-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-306-
0377.

HBL
March 11, 2002


CHRIS GRANT
PRIMARY EXAMINER